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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/379,492 08/23/99 BURT

P REF/BURT/392

EXAMINER

QM02/0606

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ART UNIT

PAPER NUMBER

3754

DATE MAILED:

06/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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# Office Action Summary

Application No.

09/379,492

Applicant(s)

BURT, PETER COLIN WESTON

Examiner

PHILIPPE S DERAKSHANI

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20-36.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 20-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20-22 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goncalves in view of Welter.

Goncalves shows an aerosol dispenser comprising a body 2, a closure 3, flanges 9 and 7 and means for dispensing 13. Goncalves lacks the closure ultrasonically welded to the body.

Welter shows two pieces welded ultrasonically to each other to assure a uniform distribution of amplitude of vibration and a resultant uniform bond (see column 1, lines 43-48). It would have been obvious to one of ordinary skill in the art to have modified the Goncalves closure ultrasonically welded to the body as taught by Welter to assure a uniform distribution of amplitude of vibration and a resultant uniform bond.

3. Claims 23- 25, 30 and 32-36 are rejected under 35 U.S.C. § 103 as being unpatentable over Goncalves. in view of Welter as applied to claims 20 above, and further in view of Mascia et al.

Goncalves lacks the flanges rolled and crimped together. Mascia et al. show a closure 16 and body 12 having flat flanges which are rolled and crimped together. It would have been

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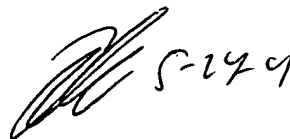
obvious to one of ordinary skill in the art to have modified the Goncalves flanges with flanges which are rolled and crimped together as taught by Mascia et al. as an alternative equivalent means for attaching a close to the body of an aerosol dispenser.

4. Claim 26<sup>38, 46</sup> is rejected under 35 U.S.C. 103(a) as being unpatentable over Goncalves in view of Welter as applied to claim 20 above, and further in view of Ryden.

Goncalves lacks the aerosol dispenser an inhaler. Ryden shows an aerosol dispenser an inhaler containing medicaments to deliver prompt response to patients ( see column 1, lines 9-18). It would have been obvious to one of ordinary skill in the art to have modified the Goncalves aerosol dispenser with an inhaler containing a medicament as taught by Ryden to deliver prompt response to patients.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philippe Derakshani whose telephone number is (703)308-0861.

**PHILIPPE DERAESHANI**  
**PRIMARY EXAMINER**  
**ART UNIT 3754**

Handwritten signature of Philippe Derakshani, with the number 5-249 written next to it.

PD  
May 24, 2001